

ORIGINAL

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

OCT 10 2007

FILED  
CLERK'S OFFICE

A CERTIFIED TRUE COPY

OCT 10 2007

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONUNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATIONIN RE: BEXTRA AND CELEBREX MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY LITIGATION

MDL No. 1699

## TRANSFER ORDER

4:07-CV-335-A

**Before the entire Panel:** Plaintiffs in the three actions listed on Schedule A move pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its orders conditionally transferring the actions to the Northern District of California for inclusion in MDL No. 1699. Defendants<sup>1</sup> oppose the motions.

After considering all counsel's argument, we find that these actions involve common questions of fact with actions in this litigation previously transferred to the Northern District of California, and that transfer of these actions to the Northern District of California for inclusion in MDL No. 1699 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of these actions is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Northern District of California was a proper Section 1407 forum for actions involving claims of liability for allegedly adverse effects arising from the ingestion of Bextra and/or Celebrex as well as claims relating to the sales and marketing of these prescription medications. *See In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation*, 391 F.Supp.2d 1377 (J.P.M.L. 2005).

The parties can present any pending motions for remand to state court to the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of California and, with the consent of that court, assigned to the Honorable Charles R. Breyer for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED

OCT 17 2007

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_  
Deputy

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.  
ATTEST:

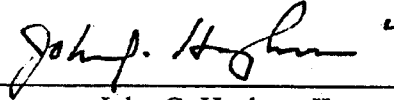
RICHARD W. WIEKING  
Clerk, U.S. District Court  
Northern District of California  
By \_\_\_\_\_

Date 10-11-07 Deputy Clerk

<sup>1</sup> Pfizer Inc., Pharmacia Corp. f/k/a Monsanto Co., and G.D. Searle LLC.

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PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in dark ink, appearing to read "John G. Heyburn II", is positioned above a horizontal line.

John G. Heyburn II  
Chairman

D. Lowell Jensen  
Robert L. Miller, Jr.  
David R. Hansen

J. Frederick Motz  
Kathryn H. Vratil  
Anthony J. Scirica

**IN RE: BEXTRA AND CELEBREX MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1699

**SCHEDULE A**

Northern District of Alabama

Michael A. Allen, etc. v. Pfizer Inc., et al., C.A. No. 7:07-1100

Northern District of Texas

Frances Carter v. Pfizer Inc., et al., C.A. No. 4:07-335

Southern District of Texas

Roel Gonzalez, et al. v. Pfizer Inc., et al., C.A. No. 7:07-136

**IN RE: BEXTRA AND CELEBREX MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1699

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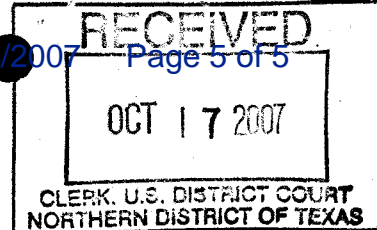
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**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**



**CHAIRMAN:**  
 Judge John G. Heyburn II  
 United States District Court  
 Western District of Kentucky

**MEMBERS:**  
 Judge D. Lowell Jensen  
 United States District Court  
 Northern District of California

Judge Kathryn H. Vratil  
 United States District Court  
 District of Kansas

Judge J. Frederick Motz  
 United States District Court  
 District of Maryland

Judge David R. Hansen  
 United States Court of Appeals  
 Eighth Circuit

Judge Robert L. Miller, Jr.  
 United States District Court  
 Northern District of Indiana

Judge Anthony J. Scirica  
 United States Court of Appeals  
 Third Circuit

**DIRECT REPLY TO:**

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 Clerk of the Panel  
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 Thurgood Marshall Federal  
 Judiciary Building  
 Room G-255, North Lobby  
 Washington, D.C. 20002

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October 10, 2007

Richard W. Wiekling, Clerk  
 Phillip Burton U.S. Courthouse  
 Box 36060  
 450 Golden Gate Avenue  
 San Francisco, CA 94102-3489

Re: MDL No. 1699 -- IN RE: Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

(See Attached Schedule A of Order)

Dear Mr. Wiekling:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
 Clerk of the Panel

By *Ann L. Stewart*  
 Deputy Clerk

**Enclosures/Attachment**

cc: Transferee Judge: Judge Charles R. Breyer  
 Transferor Judges: Judge L. Scott Coogler; Judge Randy Crane; Judge John H. McBryde  
 Transferor Clerks: Karen S. Mitchell; Michael N. Milby; Perry D. Mathis